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Paper No. 3

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**JUN 13 2002**

**OFFICE OF PETITIONS**

In re Application of  
Shamim A. Alpha  
Application No. 09/885,356  
Filed: June 20, 2001  
Attorney Docket No. 27638/04001

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DECISION GRANTING  
PETITION

This is a decision on the petition under 37 CFR 1.10(d) filed April 4, 2002, requesting that the above-identified application be accorded a filing date of June 20, 2001, rather than the presently according filing date of June 10, 2001.

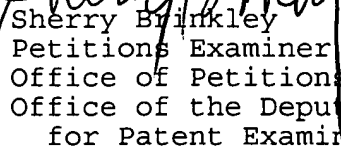
Applicant requests the later filing date on the basis that the application was purportedly deposited with the U.S. Postal Service (USPS) as Express Mail on June 20, 2001, pursuant to the requirements of 37 CFR 1.10. The petition is accompanied by, inter alia, a copy of applicant's "Express Mail Corporate Account Mailing Statement" showing that the package bearing Express Mail label No. EL085017891US was charged on June 20, 2001. The same Express mail number appears on the original transmittal submitted with the present petition.

In view of the above, the evidence is convincing that the application was deposited as "Express Mail" with the US Postal Service on June 20, 2001.

The petition is granted. The \$130.00 petition fee is being credited to counsel's Deposit Account No. 03-0172.

The application is being returned to Initial Patent Examination Division for correction of the filing date to June 20, 2001.

Telephone inquiries specific to this matter should be directed to Wan Laymon at (703) 306-5685.

  
Sherry Brinkley  
Petitions Examiner  
Office of Petitions  
Office of the Deputy Commissioner  
for Patent Examination Policy